IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1488 of 2005

1. M/s Hoch Remedies Ltd. and Anr..Petitioner

V/s

1. The State of Maharashtra and Anr..Respondents

Ms. Manorama Mohanty for Petitioner

Mr.M.S.Mhambray,A.P.P. for State

CORAM:SMT.V.K.TAHILRMANI,J.

DATED:3rd August 2005

P.C.:-

1. Heard the learned advocate for the Petitioner, and the learned A.P.P. for the State.

2. The Petitioner has prayed for quashing of process issued against him in Criminal Case NO.106/S/04 which is pending in the Court of learned Additional Chief Metropolitan Magistrate, 27th Court at Mulund Bombay. In the said case, process has been issued against the Petitioner under Section 138 read with 141 of Negotiable Instrument Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No. 213 of 2005

and order dated 21st June 2005 passed in Criminal application NO.550 of 2005, the Petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the Petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the Petitioners to prefer revision before the concerned Sessions Court. The learned Advocate for the Petitioners stated that the necessary revision would be filed within a period of 4 weeks from today. In view of this statement the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the Petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Petition is disposed of.

(SMT.V.K.TAHILRAMANI,J.)